

REMARKS

Applicants thank the Examiner for his careful consideration of this application and his willingness to be of assistance.

I. STATUS OF CLAIMS AND FORMAL MATTERS

Claims 63-81 are pending in this application; claims 63, 73, and 78-80 are amended. Support for the amendments can be found throughout the specification. Particular support for "separate" can be found at page 10, line 4. Support for "construct or constructs" can be found in the paragraph beginning at page 4, line 20. No new matter is added.

It is submitted that the claims are patentably distinct over the prior art and that these claim are and were in full compliance with the requirements of 35 U.S.C. §112. The amendments of the claims herein are not made for the purpose of patentability within the meaning of 35 U.S.C. §§ 101, 102, 103 or 112; but rather, the amendments are made simply for clarification and to round out the scope of protection to which Applicants are entitled. Furthermore, it is explicitly stated that the amendments should not give rise to any estoppel, as they are not narrowing amendments.

II. THE ART REJECTIONS ARE OVERCOME

Claims 63-65, 68-74 and 77-81 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Luznik *et al.* Claims 63-74 and 77-81 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Luznik *et al.* in view of Bray *et al.* or Hammarskjold *et al.* The rejections are traversed and are addressed collectively.

Luznik *et al.* cannot anticipate the claimed invention because they do not teach multiple expression constructs. Claim 63 requires that the retroviral vector production system contains at least two expression constructs - one encoding a lentivirus-based retroviral vector genome, and one or more separate (*i.e.* additional) expression constructs encoding gag, pol and env. To the contrary, the proviral tat-minus clones of Luznik *et al.* can only be interpreted as one intact construct, since these clones are generated through the mutation of wild-type clones.

Dependent claim 73 recites an embodiment of the present invention in which the retroviral vector production system contains three separate DNA constructs one encoding the lentivirus-based retroviral vector genome, another encoding gag and pol, and a third encoding env. Similarly, claim 78 is directed to a set of three separate DNA constructs. Again, Luznik *et al.* teaches only one construct containing all of these components, and is therefore not analogous.

Accordingly, Luznik *et al.* do not anticipate, nor do they teach or suggest the claimed invention. The deficiencies of Luznik *et al.* are not remedied by the teachings of either Bray *et al.* or Hammarskjold *et al.* As such, the 103 rejection, similarly based on Luznik *et al.*, is overcome for the reasons stated above.

Reconsideration and withdrawal of the art rejections are requested.

CONCLUSION

Applicants believe that the application is in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited. The Examiner is invited to contact the undersigned if any issues arise that can easily be addressed telephonically.

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